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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/875,311

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Bruce Barger

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27752

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07/07/2006

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EXAMINER

STINSON, FRANKIE L

ART UNIT

PAPER NUMBER

1746

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/875,311	Applicant(s) BARGER ET AL.	
	Examiner FRANKIE L. STINSON	Art Unit 1746	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 and 31-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 and 31-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4-9, 11, 12, 15, 18-29 and 31-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yeiser (WIPO WO 98/01223) view of Smith et al. (U. S. Pat. No. 6,407,051), Toetschinger et al. (U. S. Pat. No. 6,158,673), Gordon et al. (WO 99/20724) or Cardola et al. (WO 99/60086).

Re claims 1, 33 and 34, Yeiser is cited disclosing a method/process of cleaning the surface of an vehicle comprising contacting the surface with an aqueous cleaning solution (typically high pressure water and soap, see page 3, line 32 through page 4, line 6), and then rinsing the surface with purified rinse water using a hand-held sprayer (10) that is attached to a garden hose (page 4, lines 25-28) when said sprayer is in use, said sprayer comprising a water purifier (20) which is a component of said sprayer when said sprayer is in use, said purifier comprises ion exchange resin (20, see abstract), that differs from the claims only in the recitation of the washing composition having a pH less than nine or neutral and a polymer to render the surface hydrophilic. The Smith, Toetschinger, Gordon and Cardola references are each cited disclosing an aqueous cleaning composition for cleaning surfaces like car/automobile exteriors (see Smith's abstract; Toetschinger, col. 3, lines 13-26; Gordon col. 22, lines 56-57 and Cardola col. 19, lines 31-32) which has a pH less than nine or neutral (see Smith, col. 8, lines 51-56; Gordon col. 7, lines 38-54 and examples "B" and "F" in col. 23 and Cardola, col. 3,

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lines 30-44) and a polymer (col. 4, line 64 in Smith; col. 12, line 1 in Toetschinger; col. 7, lines 31-37 as well as col. 7, line 66 in Gordon and col. 9, lines 52-67 through col. 10, lines 1-11 in Cardola). It therefore would have been obvious to one having ordinary skill in the art to substitute for the cleaning solution/composition in Yeiser, a cleaning solution/composition as taught by Smith, Toetschinger, Gordon or Cardola, since the is deemed to be the substitution of equivalents (see MPEP 2144.06 "SUBSTITUTING EQUIVALENTS KNOWN FOR THE SAME PURPOSE). In regard to the limitation of the purifier comprising ion exchange resin having a volume capacity of 4-8 in³, please note the Yeiser specification, page 9, lines 13-19, where Yeiser (see page 9, lines 17-18) discloses the cylindrical hollow body purifier being on the order of 15-18 inches long and having a diameter of 2-22.5 inches. Therefore, the since the base of a cylinder is always a circle, one can determine the volume of Yeiser's cylindrical purifier body from the formula for the volume, like this:

$$V = \pi * r^2 * h$$

$$V = \pi * r^2 * h; V = (3.141592) * (1\text{in})^2 * (15\text{in}) = 47.12 \text{ in}^3 \text{ (lower limit)}$$

$$V = \pi * r^2 * h; V = (3.141592) * (11.25\text{in})^2 * (18\text{in}) = 7156.93 \text{ in}^3 \text{ (upper limit)}.$$

Thusly, as per **MPEP 2144.04, IV CHANGES IN SIZE, SHAPE, OR SEQUENCE OF ADDING INGREDIENTS**, the size of the purifier is of little patentable significance. Re claim 4, Yeiser, Smith, Toetschinger, Gordon and Cardola disclose the surfaces as claimed. Re claims 5-8, in regard to the contact angles, please note that since Gordon and Cardola both employ the same polymers, the contact angles as claimed are therefore deemed to be inherent. Re claim 9, Smith, Toetschinger, Gordon and Cardola

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each disclose the additional components (see Gordon, col. 7, line 61 through col. 8, lines 1-5 and in Cardola, col. 10 line 62 through col. 11 , lines 1-4). Re claim 11, Yeiser discloses the passing of the water through the water purifier. Re claim 12, Yeiser discloses the purifying device comprising among other things, an ion exchange resin. Re claim 15, Yeiser discloses the spraying of the cleaning composition and rinse water. Re claims 18 and 19, Smith, Toetschinger, Gordon and Cardola disclose the pH values as claimed. Re claim 20-23, both Gordon and Cardola disclose the polymer/copolymer, the carboxylic/aclic/methaclic /maleic acid, nonionic surfactant and while Gordon discloses the alkyl polysaccharide (col. 9, lines 33-43). Re claim 25, Yeiser, Smith, Toetschinger, Gordon and Cardola disclose the surface being that of a vehicle. Re claim 26, Gordon (see col. 7, lines 1-22) and Cardola (col. 9, line 53 through col. 10 lines 1-11) each disclose the polymers being left behind on the surface after rinsing. Re claim 27-29, to have the surface reaming hydrophilic after the addition rinses is deemed to be inherent in that the characteristics of the instant compositions as claimed is the same as that taught by the prior art.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of either Johnston et al. (U. S. Pat. No. 4,764,047) or Evans (U. S. Pat. No. 3,459,334).

Claim 2 defines over the applied prior only in the recitation of the step of pre-wetting the surface before the application of the cleaning composition. Johnston (see col. 5, lines 55-65) and Evans (see col. 4, lines 6-13) each disclose the step of washing a surface (of a vehicle) where the surface is pre-wetted before the application of the cleaning

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composition. It therefore would have been obvious to one having ordinary skill in the art to modify the washing process of Yeiser, to pre-wet the surface/vehicle prior to contacting the same with cleaning composition, for the purpose of softening the soils/debris for easier removal.

4. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of either Johnson (U. S. Pat. No. 2,801,941) or Huebner et al. (U. S. Pat. No. 3,658,590)

Claim 3 defines over the applied prior art only in the recitation of rinsing the surface with tap water between the step of contacting the surface with cleaning composition and the step of rinsing the surface with purified rinse water. Johnson'941 and Huebner are each cited disclosing a process for washing a surface where there is provided a step of providing a tap water rinse between the step of contacting the surface with cleaning composition and the step of rinsing the surface with purified rinse water (see col. 2, lines 24-37 in Johnson'941 and col. 8, lines 29-50). It therefore would have been obvious to one having ordinary skill in the art to modify the washing process of the applied prior and, to include the tap water rinse step as taught by either Johnson'941 and Huebner, for the purpose of conserving the purified/deionized rinse water.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of either Tsipursky et al. (U. S. Pat. No. 5,721,306) or Egan et al. (U. S. Pat. No. 3,507,798, note that this reference is listed as "SMIENS" on PTO form 892 as retrieved from the PTO reference database).

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Claim 10 defines over the applied prior art only in the recitation of the composition additionally comprising a clay material. Egan (see col. 4, lines 53-65) and Tsipursky (col. 1, lines 24 and 44) each disclose a car wash cleaning composition where there is provided a clay material, which provides a wetting/sheeting action. It therefore would have been obvious to one having ordinary skill in the art to modify the washing composition of the applied prior art, to include a clay material as taught by either Egan or Tsipursky, for the purpose of enhancing the removal of debris and soils from the surface and since it is old and well known that to use a clay material to help in the wetting or to increase the hydrophilicity of the surface being washed.

6. Claims 13, 14 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 1 above, and further in view of either Hawes (WO 79/48927), Smith (U. S. Pat. No. 3,355,018) or Arnaud (U. S. Pat. No. 5,647,977).

Claim 13 defines over the applied prior art only in the recitation of the purifier comprising at least three layers of ion exchange resin. Hawes (see figs 7a-8), Smith'018 and Arnaud (see fig. 5) each disclose an ion exchanger having at least 3 layers. It therefore would have been obvious to one having ordinary skill in the art to modify the purifier of the applied art to employ at least three layers of ion exchange resin since this is considered to be an obvious extension of the teachings of Yeiser. Re claim 14, Smith'018 discloses the visual indication of depleted ion exchange resin (see col. 4, line 1-11). Re claim 31, Arnaud discloses the cation and anion ion exchange (see col. 6, lines 32-65).

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7. Claims 16, 17 and 32 and 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claims 1, 33 and 34 above, and further in view of either Hawes or Shaw (U. S. Pat. No. 4,135,646).

Claims 16, 17, 32 and 35-37 define over the applied prior art only in the recitation of the and containers for the cleaning composition and rinse water, and the same being sprayed from the same spraying device. Hawes and Shaw discloses that it is old and well known in the art to provide a spraying device with plural storage containers for spraying plural fluid from the said plural sources. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Yeiser, to include an arrangement of spraying both the cleaning composition and rinse water from the same spraying device as taught by either Hawes or Shaw, for the purpose of conveniently allowing the user to switch between the plural sources. It old and well know to first wash the vehicle with a washing liquid and subsequently rinse the same with a rinsing spray and generally one would wash with a bucket of soapy water and then rinse with a hose. Re claim 17, Yeiser discloses the passing of the water through a hose to the purifier and the subsequent spraying by the spraying device.

2. Applicant's arguments filed May 17, 2006 have been fully considered but they are not persuasive. Applicant amended the claims to recite a smaller volume capacity of the resin/ion exchanger than the volume as disclosed by Yeiser, nonetheless, this has been considered to be of little patentable significance as per MPEP 2144.04 and since Yeiser discloses (page, 9, lines 17-21) discloses that the purifier "may be modified for aesthetic

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purposes and/or for making the sprayer easier to hold'. A smaller sprayer would be easier to hold and handle.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **FRANKIE L. STINSON** whose telephone number is (571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

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Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls


FRANKIE L. STINSON
Primary Examiner
GROUP ART UNIT 1746